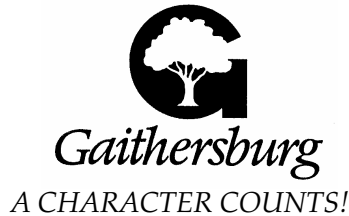


DRAFT



CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
JULY 10, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, Schlichting and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Police Chief Viverette, Director of Public Works, Parks Maintenance and Engineering (PWPME) Arnoult, Capital Projects/Facilities Director Geiling, City Attorney Borten and Executive Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Pete Geiling, City's Director of Capital Projects/Facilities.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. APPROVAL OF MINUTES

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the minutes of the Mayor and Council meeting held June 19, 2006, be approved.

Vote: 4-1-0 (Abstained: Edens)

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that the minutes of the Mayor and Council special meeting held June 22, 2006, be approved.

Vote: 5-0

IV. CONSENT ITEMS

1. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract to Purchase Playground Equipment for Malcolm King Park

This resolution authorized the City Manager to enter into a contract to purchase the above equipment from Taylor Sports and Recreation, 188 Lee Street, Martinsburg, West Virginia 25402, in the amount of Seventy-Five Thousand Dollars (\$75,000); said funds to be expended from the Operating Budget.

2. **Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract for the Kentlands Mansion Brick Tuckpointing Project**

This resolution authorized the City Manager to enter into a contract for the above project with Atlantic Company of America, Inc. 526 King Street, Alexandria, Virginia 22314, in the estimated amount of Fifty-Eight Thousand Dollars (\$58,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Edens, seconded by Council Member Alster, that the Consent Agenda (Resolution Nos. R-66-06 through R-67-06), be approved.

Vote: 5-0

V. **APPOINTMENTS**

Resolution Confirming an Appointment and Reappointments

This resolution confirmed the following: **Art in Public Places Committee**, Patty Connell (reappointment), 334 Chestertown Street and Judy Gross (reappointment), 446 Tschiffely Square Road, 20878, two-year terms; **Arts and Monuments Funding Corporation, Inc.**, Connie Ross (reappointment), 7901 Warfield Road, 20882, two-year term; **Communications Committee**, Gail Norris (reappointment), 400 Woodland Road, 20877, two-year term; **Community Advisory Board**, Gwen Haney (appointment), 802 Quince Orchard Boulevard, 20878, Julius Persensky (reappointment), 116 Summit Hall Road, 20877 and Michelle Shay (reappointment), 17001 King James Way, #102, 20877; two-year terms; **Gaithersburg/Washington Grove Fire Department**, Carroll Kearns (reappointment), 406 Gaither Street, 20877 and Richard Knoebel (reappointment), 202 Rolling Road, 20877; one-year terms; **Historic Preservation Advisory Committee**, Richard Arkin (reappointment), 121 Selby Street, 20878; three-year term; **Police Chief's Advisory Council**, Skip Camp (reappointment), 2 Tripoley Court, 20878, Charles Ferrell (reappointment), 227 Rolling Road, 20877, Blanche Keller (reappointment), 911 Wild Forest Drive, 20879, Dotty Reitwiesner (reappointment) 16 Virginia Drive, 20877, and Mary Ann Sullivan (reappointment), 7 Napa Valley Road, 20878, two-year terms; and the **Technology & Innovations Committee**, Martin Horan (reappointment), 144 Little Quarry Road, 20878 and Richard Martinez (reappointment), NIH General Medical Services, Bethesda, Maryland 20892, two-year terms.

Motion was made by Council Member Marraffa, seconded by, Council Member Schlichting, that a RESOLUTION OF THE MAYOR AND THE CITY COUNCIL CONFIRMING AN APPOINTMENT AND REAPPOINTMENTS BY THE MAYOR TO THE ART IN PUBLIC PLACES COMMITTEE, ARTS AND MONUMENTS FUNDING CORPORATION, INC., COMMUNICATIONS COMMITTEE, COMMUNITY ADVISORY BOARD, GAITHERSBURG/WASHINGTON GROVE FIRE DEPARTMENT, HISTORIC PRESERVATION ADVISORY COMMITTEE, POLICE CHIEF'S ADVISORY COUNCIL, AND TECHNOLOGY & INNOVATIONS COMMITTEE (Resolution No. R-68-06), be approved.

Vote: 5-0

VI. PRESENTATIONS**1. Introduction of the City's Thirty-Ninth Griffith Intern**

The Griffith Internship, named in memory of Mayor John W. Griffith, was designed to provide an outstanding high school student with the opportunity to experience the work environment in a municipal government setting. Assistant City Manager Tomasello introduced Sammantha Chin, a lifetime resident of Gaithersburg who enjoys many of the City's events. Ms. Chin is a rising senior and will be taking classes at Montgomery College in the fall.

2. Update on the Day Laborer Center

City Manager Humpton reported that staff has identified a site that meets the criteria of the City's Day Laborer Task Force, but no official confirmation has been received. Staff suggested receiving a letter of intent from the owner before disclosing the site and report back to the Mayor and City Council at their July 17, 2006 regular meeting with such letter or conduct discussions of other alternatives.

VII. PUBLIC APPEARANCES

1. *Lee Wells, 11505 Pleasant Meadows Drive*, referred to the draft ordinance proposing a moratorium in the City and stated that such action would cause a hardship to his family and ownership of several properties. He expressed opposition to the proposed ordinance.
2. *Linda Gore, 60 Oak Shade Road*, also referred to the proposed ordinance for a moratorium and expressed support for such action due to City's pending development and redevelopment and its impact on affordable housing. She expressed concern with the pending redevelopment projects and lack of affordable housing in the City.
3. *Cathy Dryzgula, 16 Walker Avenue*, stated that the main goals of an affordable housing policy in the City should be to maintain or increase the quality of affordable housing and to better integrate the affordable units throughout the City. She asked that the proposed moratorium be fair to all and that the policy include neighborhood and development.

VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**Council Member Alster**

1. Attended the Maryland Municipal League Conference and had an opportunity to participate in various sessions. Stated he attended a session that allowed large cities in Maryland to come together and discuss common problems. He stated that a key discussion was planning approvals and overcrowded housing.
2. Attended the 4th of July Celebration at the Fairgrounds and thanked staff for their efforts.

Council Member Marraffa

1. Announced a closed executive session was held by the Mayor and City Council on Thursday, June 22, 2006 at approximately 7:33 p.m., to obtain legal advice from City Counsel. The topics discussed were legal issues regarding the Crown Farm Annexation Agreement. Present at the meeting were Mayor Katz, Council Vice President Schlichting, Council Members Alster, Edens, Marraffa and Sesma, City Attorney Borten and staff. The closed meeting was adjourned at approximately 11 p.m.
2. Echoed thanks to City staff for a wonderful 4th of July Celebration at the Fairgrounds. Reported that he attended the Quince Orchard 4th of July Parade earlier in the day.

3. Reported that he escorted the President of the National League of Cities around at the Maryland Municipal League Conference to speak at various engagements. He stated that Community Development Block Grant Funds were discussed at the conference.

Council Member Sesma

1. Reported that several animals captured by the City's Animal Control staff, tested positive for rabies. He asked that citizens ensure that their animals are current with their rabies vaccines. He announced that the City is offering a free rabies clinic on Sunday, July 16, 2006 from 10 to 11:30 a.m. at the Montgomery County Animal Shelter in Rockville. For more information visit the City's website at www.gaithersburgmd.gov or call the Gaithersburg Animal Control Division at 301-258-6343. City Manager Humpton responded that staff recently met with the County Health Officer. He stated that the County ensured staff that it is not an epidemic and will follow-up and supply the City with statistical analysis.
2. Thanked staff for their efforts during the 4th of July celebration and reported that he attended other neighborhood events. He stated that the West Riding community celebrated with their first 4th of July parade.
3. Reported that the West Deer Park Apartments are totally vacated and thanked staff (Felton, Kauffmann, Roman and Herndon) for their efforts with relocation assistance to many residents.

Council Member Edens

Announced the vacancies on various City Boards, Commissions and Committees.

Mayor Katz

1. Announced that a regular meeting of the Mayor and City Council will be held on Monday, July 17, 2006 and a jointed work session with the Planning Commission on Monday, July 24, 2006 to conduct a comprehensive review of a draft adequate public facilities ordinance.
2. Announced that the Mayor and City Council will not conduct a work session on Monday, July 31, 2006.
3. Reported that alternate member nominations for both the Board of Appeals and Planning Commission will be made later following the summer months.
4. Noted that Council Member Alster was inducted into the Maryland Municipal League Hall of Fame during the conference for his public service/office involvement for at least 20 years.

IX. FROM THE CITY MANAGER

Guidance on the Potential Introduction of an Ordinance for a Multi-Family Redevelopment Moratorium

Following a discussion, the City Council suggested modifications and directed staff to prepare the proposed ordinance for introduction at their July 17, 2006 regular meeting.

MAYOR KATZ RECUSED HIMSELF FROM THE ABOVE DISCUSSION AT 8 P.M. DUE TO POTENTIAL CONFLICTS, COUNCIL VICE PRESIDENT SCHLICHTING PRESIDED AND MAYOR KATZ RETURNED AT 8:23 P.M. TO PRESIDE OVER THE REMAINDER OF THE MAYOR AND CITY COUNCIL MEETING

X. ORDINANCES AND RESOLUTIONS**1. Resolution for Construction Services for the Market Square Plaza Renovation Project**

This resolution authorizes the City Manager to negotiate and execute a contract for construction services for the above project to Fort Myer construction Corporation, 2237 33rd Street, N.E., Washington, D.C. 20018, in the estimated amount Six Hundred Twenty-Three Thousand Five Hundred Eighty-Eight Dollars (\$623,588); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Edens, seconded by, Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR CONSTRUCTION SERVICES FOR THE MARKET SQUARE PLAZA RENOVATION PROJECT (Resolution No. R-69-06), be approved.

Vote: 5-0

2. Resolution Approving the Purchase and Operation of Forest Oak Towers

This resolution approves the acquisition and operation of Forest Oak Towers by the Housing Opportunities Commission. The approval is applicable only to Forest Oak Towers, and the Commission shall apply to the City for approval of any subsequent acquisitions within the geographic boundaries of the City of Gaithersburg. The Commission will continue to operate the property for the benefit of elderly persons of low and moderate income.

Motion was made by Council Member Alster, seconded by, Council Member Schlichting, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL APPROVING THE PURCHASE AND OPERATION OF FOREST OAK TOWERS BY THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY (Resolution No. R-70-06), be approved.

Vote: 5-0

3. Resolution Awarding Matching Grant

This resolution authorized the City Manager to award matching grants to the Dorsey Estates Homeowners Association for their project to replace mailboxes and their concrete foundations (\$1,300), and to replace the existing ground cover for a walkway (\$659). The grants will be awarded upon determining that the projects are completed as proposed in the total amount of One Thousand Nine Hundred Fifty Nine Dollars (\$1,959); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING A MATCHING GRANT TO THE DORSEY ESTATES HOMEOWNERS ASSOCIATION (Resolution No. R-71-06), be approved.

Vote: 5-0

XI. POLICY DISCUSSION

1. **T-375, Proposal to Amend Chapter 24 of the City Code Entitled "Zoning," Article III, Entitled, "Regulations Applicable to Particular Zones," Division 14, Entitled, "I-1 Zone, Light Industrial," Division 15, Entitled, "I-3 Zone, Industrial and Office Park," and to Correct Typographical Errors and to Require Adherence to Additional Regulations When Building in an Industrial Zone That Abuts Residential Uses**

Planning and Code Administration Director Ossont stated that staff was directed by the Mayor and City Council to review the industrial zones and how each zone relates to adjacent and abutting residential properties. He further stated that existing language was reviewed to ensure compatible development in industrial zones that would potentially effect existing residential development.

Motion was made by Council Member Alster, seconded by Council Member Sesma, that T-375 (Ordinance No. O-6-06) be adopted.

Vote: 4-1 (Opposed: Marraffa)

2. **T-376, Proposal to Amend Chapter 24 of the City Code, Entitled, "Zoning," Division 19, Entitled, "MXD Zone, Mixed Use Development," Section 24-160d.1, Entitled, "Purposes and Objectives," Section 24-160d.2, Entitled, "Minimum Location and Development Requirements," and Section 24-160d.9, Entitled, "Application and Processing Procedures," so as to Require Smaller Parcels to Demonstrate Compatibility With Adjacent MXD Parcels Through Detailed Sketch Plans, Provide Internal and External Compatibility Among MXD Parcels While Not Requiring All Uses at All MXD Parcels**

Planning and Code Administration Director Ossont stated that staff was directed by the Mayor and City Council to review the requirements and standards for development within MXD properties and identified a common interpretation that development under the MXD Zone must consist of a multi-use development and not be limited to single uses. He further stated that staff has provided additional language that more clearly defines the objectives and requirements of future development in the MXD Zone.

Motion was made by Council Member Schlichting, seconded by Council Member Edens, that T-376 (Ordinance No. O-7-06) be adopted.

Vote: 5-0

XII. FROM STAFF**Assistant City Manager Felton**

- **Proposed Amendment to Chapter 13 of the City Code Entitled "Landlord Tenant Relations," to create a new section entitled "Relocation Assistance"**

The Mayor and City Council directed staff to prepare the proposed ordinance for introduction at their July 17, 2006 regular meeting. Mr. Felton stated that the draft ordinance would require property owners to pay an additional one and one half (1½) month's rent to each leaseholder displaced by pending demolition or redevelopment.

XIII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:35 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant